

United States District Court
Northern District of California

UELIAN DE ABADIA-PEIXOTO, et al.,

Plaintiffs,

v.
U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

Case No.: CV 11-04001 RS (KAW)

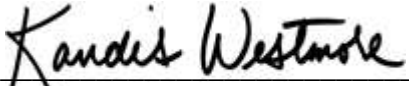
ORDER RE 11/19/12 JOINT
DISCOVERY STATUS LETTER

The Court is in receipt of the joint discovery status letter filed on November 19, 2012. (Dkt. No. 111). The Court acknowledges and appreciates the parties' ongoing efforts to meet and confer in an attempt to avoid seeking further court intervention. Upon review of the letter, the Court understands that there are two potential, ongoing disputes, which the Court will address in brief in an effort to provide some guidance to assist the parties in their meet and confer efforts.

As to the ongoing dispute regarding Defendants' obligation to search email records for responsive documents, Defendants should be advised that searching email is not generally regarded as unduly burdensome and is part of e-discovery. That said, the Court appreciates the parties' willingness to further meet and confer to resolve this dispute informally.

With regard to potentially substituting a new jurisdiction should Defendants contend that a search for responsive documents is either unduly burdensome or that no responsive documents exist, Defendants should take into consideration that Plaintiffs have voluntarily narrowed the scope of discovery from 59 immigration courts to 5-10. To the extent that Defendants are unwilling to produce from a particular jurisdiction on the basis of burden, the parties should meet and confer to reach a fair and reasonable resolution before seeking court intervention.

DATE: November 30, 2012


KANDIS A. WESTMORE
United States Magistrate Judge